

Appln. No. 09/775,025
Amdt. Dated 12/30/03
Reply to Office action of 6/30/03

REMARKS/ARGUMENTS

The Examiner rejected Claims 1-20 of the Applicant's invention under 35 U.S.C. § 103(a) as being unpatentable over Sikkenga et al (US Patent #5,256,817) in view of Partenheimer et al (U.S. 5,081,290).

Under MPEP 713.04, reference to a telephonic interview on November 24, 2003, is made. The interview set forth an understanding where the Examiner and the Applicant's representative agreed on claim language that places this case in a better condition of allowance. A copy of the interview summary is enclosed with this response. Accordingly, the Applicant has amended Claim 1 as disclosed in the interview summary.

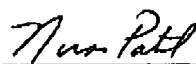
In the Office Action, the Examiner stated that it would have been obvious to the skillful artisan in the art to have incorporated Partenheimer's tin catalyst into Sikkenga's catalyst for the process in order to control the rate of oxidation and the selectivity of oxidation. The Examiner also stated that Partenheimer and Sikkenga have an equivalent teaching regarding the employment of oxidation catalysts. However, the use of the tin catalyst in Partenheimer is directed to the oxidation process. Combining the teachings of the tin catalyst from Partenheimer into Sikkenga would still be directed to the oxidation reaction. There is no teaching or suggestion that the tin catalyst would be used in association with contacting the selected naphthalenic carboxylic acid and the selected solvent in the presence of hydrogen, as is this case with the Applicant's invention. Furthermore, the inclusion of tin in the Applicant's invention reduces the amount of 2,6-dicarboxytetralin that is present in the total reactor effluent, and does not refer to a specific oxidation step. Moreover, there is no recitation in the Applicant's invention of any catalyst utilized during a specific oxidation step. It is understood that both Partenheimer and Sikkenga go through an oxidation step in the purification process, but the use of tin in Partenheimer is for the oxidation reaction. The teachings of Sikkenga combined with Partenheimer cannot result in the purification process recited by the Applicant's claims. Thus, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a) that claims 1 through 20 are unpatentable over Sikkenga in view of Partenheimer.

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The Applicant respectfully requests that the Examiner consider the preceding arguments. The Applicant submits that Claims 1-20 are now in condition for allowance and respectfully requests allowance of these claims.

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Respectfully submitted,



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